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Diane Fischer,  
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December 9, 2024

Honorable Kenneth M. Karas  
United States District Judge  
United State District Court  
300 Quarropas Street  
White Plains, NY 10601

**Re: *United States v. Nicholas Tartaglione* 16-cr-832 (KMK); 24-1852**

Dear Judge Karas:

Please accept this reply to the government's opposition to our motion for access to documents filed under seal. We address the government's characterizations of four categories of sealed documents.

Categories 2) and 3) pertain to filings made or received by district court counsel in connection with the *Curcio* hearing and other *ex parte* defense filings, which the government claims we already have.

I have been on the Second Circuit Panel for almost a decade, and I have never relied on district court counsel's files in my clients' appeals, nor, for what it is worth, do colleagues who I canvassed about the issues in this motion. Since the docket is the record on appeal by which the appellant is bound, I start there and seek materials and advice from district court counsel when the docket suggests something might be amiss or if I need more information in order to understand what was filed. I do not know if I have everything that district court counsel filed under seal in this case. I suspect that I do not.

The government describes category 4) as "sealed filings relating to other defendants in this case, to which Tartaglione does not and should not have access." The government does not give a single example of what this type of filing this might be or explain why Tartaglione would have no right to see them. Some documents

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are filed under seal before or during trial but, after the testimony of a cooperating co-defendant at trial, the cat's out of the bag and there is no longer any basis for keeping the document under seal, or at least no basis for shielding it from appellate counsel. In the alternative, we ask that the Court review these filings *in camera*.

It is an onerous task all around, but if there is an index of sealed filings, that would be a good place to start.

Respectfully,

/S/

Susan C. Wolfe  
Inga Parsons  
Marsha Taubenhau